

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
MARILYN K. KIRKPATRICK, Assemblywoman, Chairman
Rick Combs, Director, Secretary

INTERIM FINANCE COMMITTEE (775) 684-6821
DEBBIE SMITH, Senator, Chairman
Mark Krmpotic, Fiscal Analyst
Cindy Jones, Fiscal Analyst

RICK COMBS, Director
(775) 684-6800

BRENDA J. ERDOES, Legislative Counsel (775) 684-6830
PAUL V. TOWNSEND, Legislative Auditor (775) 684-6815
DONALD O. WILLIAMS, Research Director (775) 684-6825

January 23, 2014

Sarah Bradley
Deputy Attorney General
Office of the Attorney General
100 N. Carson Street
Carson City, Nevada 89701

OFFICE OF THE ATTORNEY GENERAL
CARSON CITY, NEVADA

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BUREAU OF GOVERNMENT AFFAIRS
CIVIL APPELLATE

Re: LCB File No. R111-13

Dear Ms. Bradley:

A revised proposed regulation of the Board of Psychological Examiners has been examined pursuant to NRS 233B.063 and is returned in revised form.

We invite you to discuss with us any questions which you may have concerning this review. Please make reference to our file number in all further correspondence relating to this regulation.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Daniel Peinado".

Daniel Peinado
Deputy Legislative Counsel

Brenda J. Erdoes
Legislative Counsel

DP/slj
Enclosure

**REVISED PROPOSED REGULATION OF
THE BOARD OF PSYCHOLOGICAL EXAMINERS**

LCB File No. R111-13

January 23, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted material] is material to be omitted.

AUTHORITY: §1, NRS 641.100 and 641.170; §§2-14, NRS 641.100.

A REGULATION relating to psychology; providing for the registration of psychological interns; providing that certain requirements relating to the supervision of psychological assistants also apply to psychological interns; and providing other matters properly relating thereto.

Section 1. Chapter 641 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Unless the person is participating in a federally-regulated internship program, a person must register with the Board as a psychological intern by submitting the appropriate application to the Board if the person wishes to obtain any predoctoral supervised experience that is required pursuant to paragraph (b) of subsection 2 of NAC 641.080 or paragraph (b) of subsection 3 of NAC 641.080.

2. Unless otherwise approved by the Board, a person may apply to the Board for registration as a psychological intern only after he or she has provided to the Board proof that he or she is currently enrolled to obtain a doctoral degree from:

(a) A program which is accredited by the American Psychological Association or meets the requirements of NAC 641.061; or

(b) An institution which meets the requirements of subsection 3 of NAC 641.050.

3. Registration as a psychological intern is for 2 years unless otherwise approved by the Board.

Sec. 2. NAC 641.1507 is hereby amended to read as follows:

641.1507 As used in NAC 641.1507 to 641.168, inclusive, *and section 1 of this regulation*, “supervisor” means a psychologist who supervises a psychological assistant *or psychological intern* pursuant to this chapter.

Sec. 3. NAC 641.152 is hereby amended to read as follows:

641.152 1. A psychological assistant *or psychological intern* may work only under the supervision and control of a psychologist who satisfies the requirements of NAC 641.1563.

2. The supervisor of a psychological assistant *or psychological intern* is responsible for the adequate supervision of the psychological assistant ~~+~~ *or psychological intern*.

3. For specific skill training, the supervisor may assign ~~the~~ a psychological assistant to a specialist, including, without limitation, a person who is licensed in this State as a psychiatrist, social worker or marriage and family therapist or a person who is licensed or certified in this State as an alcohol and drug abuse counselor. The specialist must have clearly established practice and teaching skills that are demonstrable to the satisfaction of the Board. Not more than one-quarter of the number of supervised hours needed to fulfill the required year of postdoctoral experience may be accrued under the direction of specialists.

~~3-~~ 4. A psychological assistant *or psychological intern* must be:

(a) An employee of the supervisor; or

(b) Subject to the control and direction of a supervisor who is affiliated with the same agency or institution at which the psychological assistant *or psychological intern, as applicable*, works.

Sec. 4. NAC 641.153 is hereby amended to read as follows:

641.153 An employment agreement *which is proposed to be* entered into by a psychological assistant *or psychological intern* and his or her employing supervisor or agency must be ~~in~~ :

1. *In writing ; and ~~is subject to approval~~*
2. *Submitted to and approved* by the Board.

Sec. 5. NAC 641.154 is hereby amended to read as follows:

641.154 1. ~~1.~~ *Except as otherwise provided in this subsection, a psychological assistant or psychological intern* is entitled to be paid a fixed wage on a periodic basis, and may not be paid based on a percentage of the fees received. *An employment agreement which is proposed to be entered into by a psychological assistant or psychological intern and does not provide for the payment of a wage may be approved by the Board pursuant to NAC 641.153 if the Board determines that the agreement is in the best interest of the psychological assistant or psychological intern.*

2. A psychological assistant *or psychological intern* may not receive fees for professional services except as the agent of his or her employing supervisor or agency.

3. Except as otherwise provided in this subsection, a supervisor may not accept compensation from a psychological assistant *or psychological intern* for his or her supervision. In extenuating circumstances, the Board may approve the acceptance of such compensation by a supervisor. Any agreement concerning compensation of a supervisor by a psychological assistant

or psychological intern for his or her supervision must be approved by the Board before it becomes effective.

4. A supervisor shall ensure that the emphasis of the supervised experience of a psychological assistant *or psychological intern* whom he or she supervises is on training the psychological assistant *or psychological intern, as applicable*, rather than on the raising of revenue by the psychological assistant ~~+~~ *or psychological intern, as applicable*.

Sec. 6. NAC 641.156 is hereby amended to read as follows:

641.156 1. Unless otherwise approved by the Board, a supervisor shall be physically present on the premises where qualifying professional activities are undertaken by a psychological assistant at least one-half of the time during which the activities are performed.

2. *A supervisor who supervises a psychological intern is subject to the provisions of subparagraph (7) of paragraph (b) of subsection 4 of NAC 641.080 concerning his or her physical presence on the premises where the experiential training occurs.*

Sec. 7. NAC 641.1565 is hereby amended to read as follows:

641.1565 1. A supervisor shall not supervise a psychological assistant *or psychological intern* if that supervision involves a potential conflict of interest, including, without limitation, supervision of a psychological assistant ~~+~~ *or psychological intern*:

- (a) Who is a member of the supervisor's household;
- (b) Who is related to the supervisor by blood, adoption or marriage, within the third degree of consanguinity or affinity;
- (c) With whom the supervisor has had or is having a dating relationship;

(d) With whom the supervisor has a financial or business relationship, including, without limitation, an agreement concerning compensation of the supervisor by the psychological assistant *or psychological intern* for his or her supervision, unless the financial or business relationship is approved by the Board or authorized by NAC 641.154; and

(e) With whom the supervisor has a psychologist-patient relationship.

2. As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 8. NAC 641.1567 is hereby amended to read as follows:

641.1567 1. A supervisor shall prepare records that will enable him or her to:

(a) Effectively train and evaluate each psychological assistant *or psychological intern* whom he or she supervises; and

(b) Accurately determine the number of hours of supervised experience obtained by each psychological assistant *or psychological intern* whom he or she supervises.

2. A supervisor shall maintain all records relating to the supervision of a psychological assistant ~~+~~ *or psychological intern*, including, without limitation, the records required to be maintained pursuant to NAC 641.157, 641.159 and 641.219, for not less than 5 years after the last date of supervision. Upon request, such records must be available for inspection by the Board.

3. A supervisor shall notify the Board within 10 days after his or her supervision of a psychological assistant *or psychological intern* is completed or terminated.

4. A supervisor shall notify the Board of any change in his or her residential address or business address within 30 days after the change.

Sec. 9. NAC 641.157 is hereby amended to read as follows:

641.157 1. A supervisor shall meet with the psychological assistant *or psychological intern* whom he or she supervises at least once each week to discuss and critique the performance of the psychological assistant ~~+-~~ *or psychological intern, as applicable.*

2. A supervisor shall provide a psychological assistant whom he or she supervises with at least 4 hours of individual supervision each month.

3. *A supervisor shall provide a psychological intern whom he or she supervises with at least the number of hours of individual supervision each month required pursuant to subparagraph (8) of paragraph (b) of subsection 4 of NAC 641.080.*

4. The supervisor shall document the hours of individual supervision provided pursuant to ~~subsection 2.~~

~~+-~~ *subsections 2 and 3.*

5. A psychologist who does not adequately supervise ~~his or her~~ *a* psychological assistant *or psychological intern* is subject to disciplinary action by the Board for committing an unethical practice contrary to the interest of the public.

Sec. 10. NAC 641.158 is hereby amended to read as follows:

641.158 1. A psychologist may not serve as a supervisor to ~~more than three~~ :

(a) *More than three* psychological assistants ;

(b) *More than two psychological interns; or*

(c) *Any combination of five or more psychological assistants and psychological interns,*

➡ at the same time.

2. A psychological assistant *or psychological intern* may not be employed by more than two supervisors at the same time.

Sec. 11. NAC 641.159 is hereby amended to read as follows:

641.159 1. A supervisor and his or her psychological assistant *or psychological intern* shall keep a regular log of supervised professional experience intended to meet the requirements of paragraph (e) of subsection 1 of NRS 641.170.

2. The log must show:

(a) The nature of the professional activities and services rendered by the psychological assistant ~~+~~ *or psychological intern*;

(b) The population or clients served; and

(c) Any supervisory contacts.

3. Entries to the log must be verified by the supervisor and the psychological assistant ~~+~~ *or psychological intern*.

Sec. 12. NAC 641.161 is hereby amended to read as follows:

641.161 1. A supervisor and his or her psychological assistant *or psychological intern* are responsible for informing clients of the ~~assistant's~~ status ~~+~~ *of the psychological assistant or psychological intern*.

2. The supervisor is ethically and legally responsible for all professional activities undertaken by the *psychological* assistant ~~+~~ *or psychological intern*.

3. A psychological assistant *or psychological intern* may not advertise or be listed on any roster, panel or directory of psychologists other than that published by the Board.

Sec. 13. NAC 641.210 is hereby amended to read as follows:

641.210 A psychologist:

1. Shall display his or her license in a conspicuous place on the premises of his or her office or place of employment.
2. Shall, except as otherwise provided in this subsection, respond within 30 days after receiving any written communication from the Board and shall make available any relevant record with respect to an inquiry or complaint about his or her professional conduct. If a communication is mailed to a psychologist by the Board, he or she shall respond to the communication within 30 days after it is mailed to him or her at the address shown on the records of the Board.
3. Shall notify the Board in writing of a change of address or telephone number within 30 days after the change.
4. Shall not mislead or withhold from a patient, prospective patient or other person who will be responsible for payment of the psychologist's services, information concerning the fee for the professional services of the psychologist.
5. Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a patient.
6. Shall not permit any person, other than:
 - (a) A partner, employee or associate in his or her professional firm or corporation;
 - (b) A psychologist retained as a subcontractor or consultant; or
 - (c) A properly registered psychological assistant *or psychological intern* practicing under his or her supervision, *except as otherwise provided in subsections 1 and 2 of NAC 641.154,*

↪ to share in a fee for professional services. The prohibition of this subsection includes any arrangement or agreement whereby the amount paid for office space, facilities, equipment or personal services used by the psychologist is based upon the income or receipts of his or her practice.

7. Shall exercise appropriate supervision over any person who is authorized to practice psychological services under his or her supervision.

8. Shall not exploit a person who is authorized to practice psychological services under his or her supervision.

Sec. 14. NAC 641.165 is hereby repealed.

TEXT OF REPEALED SECTION

641.165 Psychological interns. (NRS 641.100, 641.390)

1. A psychological intern who is in a doctoral training program in psychology at an educational institution accredited by the Northwest Association of Accredited Schools, or an equivalent regional accrediting organization, and engaged in a predoctoral internship pursuant to the requirements of the training program may, in the context of that internship, be identified as a “psychological intern.”

2. Except as otherwise provided in this section, a psychological intern is subject to the provisions of NAC 641.151 to 641.161, inclusive.
3. A psychological intern is not required to register with the Board.
4. A psychologist supervising a psychological intern is subject to the provisions of:
 - (a) Subparagraph (7) of paragraph (b) of subsection 4 of NAC 641.080 concerning his or her physical presence on the premises where the predoctoral internship occurs; and
 - (b) NAC 641.1563 to 641.157, inclusive.